

Senate Bill 367 **PRE-FILE**

By: Senators Stephens of the 27th, Staton of the 18th and Hill of the 32nd

A BILL TO BE ENTITLED**AN ACT**

To provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on electronic recording voting systems; to provide for a pilot program during the 2006 elections in certain counties; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "2006 Georgia Accuracy in Elections Act".

SECTION 2.

Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, is amended by adding new paragraphs (6.1), (6.2), (6.3), and (6.4) to Code Section 21-2-379.1, relating to requirements for use of electronic recording voting systems, to read as follows:

"(6.1) It shall produce an elector verified, permanent paper record of the votes cast by each elector with a manual audit capacity for such system which shall be available as an official record for any recount conducted under Code Section 21-2-495 or for any election challenge under Article 13 of this chapter involving any primary or election in which such system is used;

(6.2) It shall provide the elector with an opportunity to review the permanent paper record privately and independently before casting his or her vote on the system and to

1 change his or her ballot or correct any error in such record or vote; however, it shall not
2 allow the elector to have actual physical possession of such record;

3 (6.3) Each DRE unit shall bear a unique identifying number;

4 (6.4) Each DRE unit shall be equipped with a storage device that:

5 (A) Stores each of the elector verified, permanent paper records at the same time as
6 such elector's votes are stored electronically by the DRE unit;

7 (B) Bears the same unique identifying number as the DRE unit to which it is attached;
8 and

9 (C) Can be removed from the DRE unit for the purpose of transporting the permanent
10 paper records contained therein to a central tabulating center;".

11 SECTION 3.

12 Said part is further amended by striking subsection (b) of Code Section 21-2-379.10, relating
13 to procedure for electors using DRE units, and inserting in lieu thereof a new subsection (b)
14 to read as follows:

15 "(b) After the summary screen is displayed and the elector desires to make no further
16 changes to his or her votes, the elector shall be notified that he or she is about to cast the
17 ballot. ~~The~~ Prior to the elector casting his or her vote on the unit, the unit shall produce for
18 the elector's review a permanent paper record of the elector's votes to be cast. The elector
19 shall then review such permanent paper record and, if such record is correct, the elector
20 shall then press the appropriate button on the unit or location on the screen to actually cast
21 his or her ballot and cause such votes to be recorded, which shall also cause the permanent
22 paper record to be deposited in a ballot box or other secure container. If the elector
23 discovers an error or errors in the votes shown on the permanent paper record, the elector
24 shall advise the poll officers who shall take such steps as necessary to allow the elector to
25 correct such error or errors. After pressing the appropriate button on the unit or location
26 on the screen to cast the ballot, the elector's vote shall be final and shall not be
27 subsequently altered. The permanent paper records shall be secured in locked ballot boxes
28 or other secure containers at all times and such ballot boxes or containers shall not be
29 opened nor shall such ballots be counted unless and until required to be counted pursuant
30 to a recount or an election contest proceeding."

31 SECTION 4.

32 Said part is further amended by adding a new Code Section 21-2-379.12 to read as follows:

33 "21-2-379.12.

1 (a) The Secretary of State shall implement a pilot program providing for the use of direct
2 recording electronic (DRE) voting equipment equipped and configured with an elector
3 verified, permanent paper record of the votes cast by each elector on each DRE unit in the
4 Counties of Cobb, Columbia, and Decatur for the 2006 general primary and general
5 election.

6 (b) Each DRE unit used in the pilot project shall meet the requirements of this subsection.
7 Each unit shall produce an elector verified, permanent paper record of the votes cast by
8 each elector on such device and shall provide the elector with an opportunity to review the
9 permanent paper record privately and independently before casting his or her vote on the
10 unit and to change his or her ballot or correct any error in such record or vote; however, it
11 shall not allow the elector to have actual physical possession of such record. Each unit
12 shall bear a unique identifying number and each unit shall be equipped with a storage
13 device that:

14 (1) Stores each of the elector verified, permanent paper records at the same time as such
15 elector's votes are stored electronically by the DRE unit;

16 (2) Bears the same unique identifying number as the DRE unit to which it is attached;
17 and

18 (3) Can be removed from the DRE unit for the purpose of transporting the permanent
19 paper records contained therein to a central tabulating center.

20 (c) In those counties constituting the pilot project in the 2006 elections, each duly qualified
21 elector shall cast his or her vote on a direct recording electronic (DRE) unit by touching the
22 screen or pressing the appropriate button on the unit for the candidate or issue of such
23 elector's choice. After having the opportunity to vote in all races and upon all questions
24 in which the elector is eligible to vote, the unit shall display a summary of the choices
25 which the elector has made. At that time, the elector shall also be notified of any races or
26 questions in which the elector did not make a selection and all other choices of the elector
27 shall be displayed for the elector's review. The elector shall have the opportunity to change
28 any choices which the elector made in voting the ballot and be allowed to vote in those
29 races and on those questions which the elector did not previously make a selection or cast
30 a vote, and the elector will again be presented with a summary display of his or her choices.
31 After the summary screen is displayed and the elector desires to make no further changes
32 to his or her votes, the elector shall be notified that he or she is about to cast the ballot.
33 Prior to the elector casting his or her vote on the unit, the unit shall produce for the
34 elector's review a permanent paper record of the elector's votes to be cast. The elector
35 shall then review such permanent paper record and, if such record is correct, the elector
36 shall then press the appropriate button on the unit or location on the screen to actually cast

his or her ballot and cause such votes to be recorded, which shall also cause the permanent paper record to be deposited in a ballot box or other secure container. If the elector discovers an error or errors in the votes shown on the permanent paper record, the elector shall advise the poll officers who shall take such steps as necessary to allow the elector to correct such error or errors. After pressing the appropriate button on the unit or location on the screen to cast the ballot, the elector's vote shall be final and shall not be subsequently altered. The permanent paper records shall be secured in locked ballot boxes or other secure containers at all times and such ballot boxes or containers shall not be opened nor shall such ballots be counted unless and until required to be counted pursuant to a recount or an election contest proceeding.

(d) This Code section shall be repealed by operation of law on July 1, 2007."

SECTION 5.

Section 4 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The remainder of this Act shall become effective on July 1, 2007.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.